

### **REMARKS/ARGUMENTS**

Claims 1-6 are pending and have been examined in this application. Claims 1 and 3-6 stand rejected under 35 U.S.C. §103 as being unpatentable over McIlroy. Claim 2 stands rejected under 35 U.S.C. §103 as being unpatentable over McIlroy in view of Applicant's admitted prior art.

The Examiner cites McIlroy as anticipating independent claims 1 and 6. Applicant submits that McIlroy does not anticipate nor does it suggest the invention. In particular, McIlroy does disclose a healthcare management system which provides guidelines for treatment options. The guidelines are developed by a panel of experts, see column 9, lines 35-65 discussing steps 8-13. McIlroy uses a question and answer session as described with reference to Figs. 4 to 6. McIlroy's system facilitates answers to questions to obtain information about the patient. The system then utilizes that information and the panel established guidelines to develop a recommended course of treatment. McIlroy does not teach or suggest any of steps a), b), c) or d) of Applicant's claim 1 or 6. In particular, McIlroy does not identify key medical characteristics and key member characteristics of the members of the population and then obtain electronic population data that conform to the key medical characteristics and key member characteristics from a substantial proportion of the members of the population and thereafter organize and structure that obtained electronic population data in order to then establish a set of logical rules as set forth in step d) of Applicant's claim 1. That is, Applicant's system uses electronic population data of a large group of members of the healthcare population to establish the logical rules for medical analysis.

In contrast, McIlroy simply obtains information from a particular patient and then applies the panel established guidelines to that data to develop the recommended treatment. Applicant's system uses the population data that conforms to the key medical and member characteristics from a substantial proportion of the members of the population to develop the set of logical rules for medical analysis. This is something that McIlroy does not in any way suggest. McIlroy fails to suggest the obtaining of information from the healthcare members as a whole in order to formulate the rules for medical analysis as explained in the specification of the present invention. For example, at paragraph 11, the present invention utilizes medical and demographic information gathered from members of a population such as subscribers to a healthcare plan.

The medical and demographic information is analyzed using a set of rules, assumptions and algorithms to provide outcome based suggestions regarding the members' healthcare. The data that is collected that conforms to the key characteristics is accumulated, stored and organized and a set of rules is developed based upon accepted medical teachings, standards and protocols, formularies and the population's member data. The data for a particular patient is obtained and the previously established rules are then applied to arrive at a set of medically appropriate recommendations for the member. See paragraph 12. The member's subsequent medical outcome is monitored and recorded and the results are added to the managed care plan accumulated data for the member population to continually increase and update the base of available information. The outcome data is also used to continually refine the rules, assumptions and algorithms to keep them current with the ever expanding list of available medications and treatments.

McIlroy does not teach or suggest the invention. McIlroy discloses nothing about identifying key characteristics of the members of the population and then obtaining data from members of the healthcare population as a whole corresponding to the identified characteristics to develop logical rules based upon that developed data from members of the healthcare population as a whole. All that McIlroy does is obtain data from the particular patient and then apply the guidelines to that data. McIlroy does not teach or suggest a system that develops the rules based upon obtaining key medical and demographic information from a large number of members of the population.

McIlroy's system is merely a one-on-one system, that is, data is obtained from the patient and that data is then analyzed according to the guidelines. There is nothing that discloses or suggests obtaining data from members of a population in order to develop the logical rules for medical analysis and then using those rules to develop a course of treatment for a particular member based upon individual data from that member.

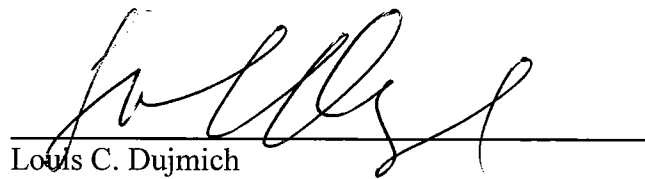
In summary, McIlroy fails to teach or suggest steps a), b), c) and d) of the present invention which allows the present invention to develop the general logical rules for later medical analysis for a particular member.

In view of the above, Applicant requests reconsideration and submits that McIlroy fails to teach or suggest the invention claimed.

Respectfully submitted,

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LCD/jh

A handwritten signature in black ink, appearing to read "Louis C. Dujmich", is written over a horizontal line.

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